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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/849,727	05/20/2004	Najeh Rahman	78012/63	7435

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EXAMINER

WARD, JOHN A

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/849,727

Applicant(s)

RAHMAN, NAJEH

Examiner

John A. Ward

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>0504, 0604</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, and 5-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Huang (US 6,334,694).

Regarding claims 1 and 6-10, Huang discloses collapsible Christmas tree having a wheel like base 10, a base rim 12, a base hub 111, a plurality of spaced hanger engagement means 113, a wheel like hanger, a hanger rim 25, a hanger hub 252, a plurality of spaced apart hanger engagements 251, a pole means 20, a light set 50, common means 30, a plurality of flexible light strings 51 extending therefrom (figure 4) and means for releasably manually securing the free end of each of the light strings extending downwardly 10.

Regarding claim 2, Huang shows a tree topper 40.

Regarding claim 5, the common means 30 is secure to the hanger rim and base engagement.

Claims 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Huang (US 6,334,694).

Regarding claims 17 and 18, Huang discloses a wheel like base 10 having a base rim 12, a base hub 111, a plurality of spaced hanger engagement means 113, a

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wheel like hanger, a hanger rim 25, a hanger hub 252, a plurality of spaced apart hanger engagements 251, a pole means 20, a light set 50, common means 30, a plurality of flexible light strings 51 extending therefrom (figure 4) and means for releasably manually securing the free end of each of the light strings extending downwardly 10.

Huang does not teach the method of assembly the string tree, however it is inherent to assembly the string tree as cited since each limitation is cited by the prior art of Huang and on column 1, lines 29-46 it is taught that the collapsible Christmas tree can assemble and disassemble.

Claim Rejections - 35 USC § 103

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang as applied to claim 1 above, and further in view of Shieh (US 6.254,250).

Regarding claims 3 and 4 Huang discloses all the limitations of the claimed invention as cited in the rejection above, but do not disclose an ornament electrically illuminatable and in electrical communication with the light set.

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Regarding claims 3 and 4, Shieh ('250) discloses a light tree set having a pole 104, a base 108, a plurality of light strings 100 attached between the upper and lower pole and a decorative ornament 122 with a plural of lamps 126.

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the collapsible Christmas tree of Huang with the decorative light tree set of Shieh in order of providing a decorative tree that illuminates decoratively from top to bottom.

Claims 11-14 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang ('250).

Regarding claims 11-14 Huang discloses all the limitations of the claimed invention as cited in the rejection of claim 1 above, but does not disclose an intermediate structure having a rim and hub.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to add an intermediate structure, since it has been held that mere duplication of essential working parts of a device involves only routine skill in the art.

St. Regis Paper Co. v. Bemis Co., 193 USPQ 8.

Regarding claims 19 and 20, Huang does not teach the method of assembly the string tree, however it is inherent to assembly the string tree as cited since each limitation is cited by the prior art of Huang and on column 1, lines 29-46 it is taught that the collapsible Christmas tree can assemble and disassemble.

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Korb et al (US 3,704,366), Lai (US 6,458,435) and Kao (US 6,679,622) show illuminated artificial trees having a plurality of light source, base and collapsible parts.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Ward whose telephone number is 571-272-2386. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAW
March 17, 2006



JOHN ANTHONY WARD
PRIMARY EXAMINER